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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st January, 1992/Magha 11, 1913 (Saka)

THE PUBLIC LIABILITY INSURANCE (AMENDMENT) ORDINANCE, 1992

No. 6 OF 1992

Promulgated by the President in the Forty-third Year of the
Republic of India.

An Ordinance to amend the Public Liability Insurance
Act, 1991.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Public Liability Insurance (Amendment) Ordinance, 1992.

(2) It shall come into force at once.

6 of 1991.

2. In section 2 of the Public Liability Insurance Act, 1991 (hereinafter referred to as the principal Act),—

Short
title
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Amend-
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section
2.

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) “accident” means an accident involving a fortuitous, sudden or unintentional occurrence while handling any hazardous substance resulting in continuous, intermittent or repeated exposure to death of, or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;”

(b) for clause (g), the following clause shall be substituted, namely:—

“(g) “owner” means a person who owns, or has control over handling any hazardous substance at the time of accident and includes,—

(i) in the case of a firm, any of its partners;

(ii) in the case of an association, any of its members; and

(iii) in the case of a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to the company for the conduct of the business of the company;”

(c) after clause (h), the following clause shall be inserted, namely:—

“(ha) “Relief Fund” means the Environmental Relief Fund established under section 7A;”

Amend-
ment
section
4.

3. In section 4 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

(2A) No insurance policy taken out by an owner shall be for an amount less than the amount of the paid-up capital of the undertaking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

Explanation.—“Paid-up capital” in this sub-section means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contract of insurance.

(2B) The liability of the insurer under one insurance policy shall not exceed the amount specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer, for being credited to the Relief Fund established under section 7A, such further amount, not exceeding the amount of premium, as may be prescribed.

(2D) The insurer shall remit the further amount received from the owner under sub-section (2C) to the Relief Fund in such manner and within such period as may be prescribed and where the insurer fails to so remit the further amount, such amount shall be recoverable from the insurer as arrears of land revenue or of public demand.”

4. In section 7 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) When an award is made under this section,—

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under section 7A, to the person or persons referred to in sub-section (1) such amount in such manner as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.”;

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) Where an owner is likely to remove or dispose of his property with a view to evading payment by him of the amount of award, the Collector may, in accordance with the provisions contained in rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, grant a temporary injunction to restrain such act.”.

5 of 1908.

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. (1) The Central Government may, by notification in the official Gazette, establish a fund to be known as the Environment Relief Fund.

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the relief fund shall vest, the manner in which the Fund shall be administered, the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom.”.

6. In section 14 of the principal Act, in sub-section (1), for the words, brackets and figures “sub-section (1) or sub-section (2)” the words, brackets and figures “sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C)” shall be substituted.

7. In section 23 of the principal Act,—

(a) in sub-section (2),—

(i) clause (a) shall be re-lettered as clause (ac);

Amendment of section 7.

Insertion of new section 7A.

Establishment of Environmental Relief Fund.

Amendment of section 14.

Amendment of section 23.

(ii) before clause (ac), as so re-lettered, the following clauses shall be inserted, namely:—

“(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

(aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

(ab) the manner in which and the period within which the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4;”;

(b) in sub-section (3), for the word “rule”, wherever it occurs, the words “rule or scheme” shall be substituted.

R. VENKATARAMAN,

President.

V. S. RAMA DEVI,

Secy. to the Govt. of India.